

**REMARKS**

Claims 1-57 remain pending in the application.

**35 USC 101 Rejection of Claims 1-18 and 41-49**

The Office Action rejected claims 1-18 and 41-49 under 35 USC 101 as allegedly being directed toward non-statutory subject matter. In particular, the Examiner alleges that claims 1-18 and 41-49 set forth non-functional descriptive material but fail to set forth physical structures or materials comprising hardware or a combination of hardware and software within the technological arts, i.e., a computer, to produce a “useful, concrete and tangible” result”. The Examiner alleges that the recited methods read on a mental construct/abstract idea or at best a computer program, per se., with the recited language not clearly defining structural elements and are not tangibly embodied on a computer readable medium. The Applicants respectfully disagree.

Claims 1-18 recite a method of creating conduits. 35 USC 101 recites “Whoever invents or discovers any new or useful process....” Thus, claims 1-18 are directed toward a new and useful process. Moreover, the process of claims 1-18 recites performing a method on such tangible items as as databases, a conduit, a map file, etc., as discussed more fully below.

Claims 41-49 recite tangible items that exist within a computing device such as databases, a conduit, a map file, etc. Tangible items as recited in claims 41-49 are NOT mental constructs or abstract ideas. Moreover, the tangible items recited in claims 41-49 are NOT a computer program per se. Simply because the recited items exist in a digital realm does NOT make them any less tangible than items that a person can touch. For example, a digital picture is no less tangible than its physical counterpart even through it exists in a digital realm.

Claims 1-18 and 41-49 are clearly directed toward statutory subject matter. The Applicants respectfully request the Examiner withdraw of the 35 USC 101 rejection.

**Claims 1-57 over Hawkins in view of Robertson, Smith and Pajakowski**

In the Office Action, claims 1-57 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,000,000 to Hawkins et al. ("Hawkins") in view of U.S. Patent Application Publication No. 2001/0047441 to Robertson, further in view of The Multi-Boot configuration Handbook, published March 29, 2000 ("Smith"), and further in view of U.S. Patent No. 6,718,425 to Pajakowski et al. ("Pajakowski"). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest the need to combine **FOUR** references is an indication of the non-obviousness of claims 1-57.

Claims 1-11 and 19-40 recite selecting a first database and a second database on a first graphical user interface and programming a conduit with a map file. Claims 12-18 recite configuring a conduit with a graphical user interface to synchronize a first database and a second database. Claims 41-45 recite a configurable conduit programmed with a graphical user interface to synchronize each database of a plurality of databases according to a respective mapping file of a plurality of mapping files. Claims 46-57 recite a method and system to select a first database and a second database on a graphical user interface and to generate a conduit based on the selected first database and second database.

Hawkins' invention is directed toward the process of synchronizing a portable computer system and a personal computer system (See Abstract). However, Hawkins fails to disclose **HOW** the synchronization program that selects two databases is created. Hawkins fails to disclose or suggest utilization of a graphic user interface to select a first database and a second database as a basis for programming a conduit, much less a graphical user interface to program a configurable conduit to synchronize databases, as recited by claims 1-57.

The Examiner alleges that the Examiner reads the disclosure of Hawkins "in the broadest reasonable interpretation to the claim limitation, wherein graphical user interface would have been an obvious variant of a personal computer system (item 150) and a display representing computer

system calendar program (item 115) and a mouse) to a person of ordinary skill in the art at the time the invention was made".

Use of a graphical user interface to select databases as a basis to program a conduit is a major improvement over conventional use of a programming language to manually hardcode each and every step to perform such steps. With the Examiner alleged obviousness simply because Hawkins discloses a personal computer system and a mouse, EVERY development stemming from use of a personal computer is an obvious variation from Hawkins. Surely, the Examiner CANNOT agree with such a proposition that every graphical use of a personal computer is obvious because of the development of a personal computer and a mouse. With the Examiner's reasoning, the developments of graphical user interfaces for such applications as, e.g., programming languages, i.e. visual BASIC, visual C, etc. were simply obvious after the development of a personal computer and a mouse. However, such visual programming languages GREATLY simplified the tedious process of a programmer hardcoding each and every line of code needed to instruct a computer to perform a given function, not obvious from the simple development of a personal computer and mouse. Likewise, Applicants' invention GREATLY simplifies the creation of a conduit to synchronize a first and second database through use of a graphical user interface; e.g., eliminates a programmer having to hardcode each and every line of code need to create a conduit to synchronize a first and second database.

Moreover, "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). In re Mills, 16 USPQ2d 1430 (Fed. Cir. 1990). Thus, even though Hawkins could be modified to use a graphical user interface to perform the recited features with EXTENSIVE modifications, Hawkins nor any of the Examiner's other cited prior art disclose or SUGGESTS the desirability of such a modification. Hawkins' invention was created at a time when graphical user interfaces existed for other purposes, however Hawkins' nor

any of the other cited prior art discloses or suggests use of a graphical user interface to assist in the creation of a conduit, much less disclose or suggest the Applicants' recited features.

Moreover, Hawkins' invention is directed toward a one button synchronization between a handheld computer, i.e., a PDA and a personal computer system. Modification of Hawkins' to use a graphical user interface to select databases for synchronization as a basis for creating a conduit is nonsensical since Hawkins' invention is UNCONCERNED with HOW a conduit is CREATED.

Moreover, the Examiner alleges that the motivation to modify Hawkins is "to provide a communications system conduit for matching data between different API (Application Interface) that associated with different databases using a single synchronization command (as taught by Hawkins at col. 1 line 30 through col. 2, line 61)." The Examiner's motivation to modify Hawkins to use a graphical user interface is nonsensical. Providing a communications system conduit for matching data between different APIs that are associated with different databases through use of a single synchronization command can be performed through a computer programmer conventionally programming a computer, i.e., hardcoding each and every step needed to perform such a function. The Examiner's motivation to modify Hawkins has nothing to do with use of a graphical user interface to select a first and second database as a basis for creating a conduit, as recited by claims 1-57.

Moreover, claims 1-11 and 19-40 recite a system and method of mapping at least one field of a first database to a corresponding field of a second database in a map file.

The Examiner acknowledges that Hawkins fails to disclose executing a conduit with a map file in response to a synchronization request (See Office Action, page 6). The reason Hawkins fails to disclose executing a conduit with a map file in response to a synchronization request is that Hawkins fails to disclose or suggest use of a map file for any reason, much less for executing a conduit with a map file in response to a synchronization request. Thus, the

Examiner proposed that it is obvious to modify Hawkins to use a graphical user interface for select databases for synchronization AND to use a map file.

The Examiner alleges that the recited map file would have been an obvious variation of a sync registry that contains a list of conduit libraries that are used to synchronize (See Office Action, page 5). However, the Examiner FAILS to provide a REASON WHY the recited map file is an obvious variation of Hawkins' sync registry.

As the Examiner acknowledges, Hawkins' sync registry contains a list of conduit libraries. The recited map file is recited as mapping fields between databases. The Examiner has NOT addressed the entire limitation of the recited map file. Thus, Hawkins's sync registry that contains a list of conduit libraries is NOT a map file that maps fields between databases, as recited by claims 1-11 and 19-40.

The Office Action acknowledged that Hawkins fails to disclose executing a conduit with a map file in response to a synchronization request (See Office Action, page 67). The Office Action relies on Robertson at paragraphs [0057] to [0070] to allegedly make up for the deficiencies in Hawkins to arrive at the claimed features. The Applicants respectfully disagree.

Robertson's invention is directed toward a conduit that resides on a kiosk (See Abstract, Figs. 1 and Fig. 8). A user menu screen prompts a user to chose an appropriate peripheral device for data communications, i.e., data download or upload (See Robertons, Fig. 7 and paragraphs [0058]-[0059]).

Thus, Robertson, like Hawkins, fails to disclose HOW the conduits THEMSELVES are created, simply providing a convenient graphical user interface to IMPLEMENT pre-programmed conduits. Thus, Hawkins fails to disclose or suggest use of a graphical user interface to select a first and second database as a basis for creating a conduit, as recited by claims 1-57.

Moreover, Robertson fails to even mention use of a map file, as recited by claims 1-11 and 19-40.

The Examiner acknowledges that Hawkins fails to disclose a conduit that provides synchronization rules from a map file for a first database

and a second database (See Office Action, page 7). The Examiner relies on Smith to allegedly make up for the deficiencies in Hawkins to arrive at the claimed features. The Applicants respectfully disagree.

Smith's book is an instruction book on how to setup multiple operating systems on a single computer. Smith fails to even mention a conduit, a map file and synchronization of two databases, much less disclose HOW a conduit is created, much less disclose use of a graphical user interface as a basis to create a conduit, as recited by claims 1-57. Smith has no real relevance to the claimed features.

The Examiner cites Pajakowski within the heading of the rejection, however apparently fails to rely on Pajakowski to reject the claims in the body of the rejection. Nevertheless, Pajakowski at col. 18, lines 5-9 discloses that a conduit is used with the invention to moving programs and files to and from a handheld computer. Thus, Pajakowski at col. 18, lines 9-40 simply describes the responsibilities of a conduit, WHEN and HOW a conduit is activated, and WHAT occurs during an active conduit. Pajakowski at col. 18, lines 5-40, nor anywhere else within Pajakowski, discloses or suggest HOW a conduit is CREATED, i.e., a graphic user interface to select a first database and a second database and programming a conduit, much less a graphical user interface to program a configurable conduit to synchronize databases, as recited by claims 1-57.

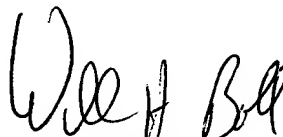
Therefore, Hawkins modified by the disclosure of Robertson, Smith and Pajakowski would at best result in a theoretical system and method for synchronization of databases between a handheld computer system and a personal computer system. Hawkins theoretically modified by the disclosures of Robertson, Smith and Pajakowski would STILL fail to disclose or suggest HOW a conduit is CREATED, i.e., a graphic user interface to select a first database and a second database and programming a conduit, much less a graphical user interface to program a configurable conduit to synchronize databases, as recited by claims 1-57.

Accordingly, for at least all the above reasons, claims 1-57 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



---

William H. Bollman  
Reg. No.: 36,457  
Tel. (202) 261-1020  
Fax. (202) 887-0336

**MANELLI DENISON & SELTER PLLC**

2000 M Street, NW 7<sup>TH</sup> Floor  
Washington, DC 20036-3307  
TEL. (202) 261-1020  
FAX. (202) 887-0336

WHB/df